



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.153 OF 2026

Kotak Mahindra Bank LTD

...Applicant

V/s.

Sikander

...Respondent

Ms. Bijal K. Gogri *i/b. M/s. GNP Legal for the Applicant.*

CORAM: SANDEEP V. MARNE, J.

DATED: 4 MAY 2026.

P.C.:

1) This is an Application filed under Section 11 of the Arbitration and Conciliation Act, 1996 (**the Arbitration Act**) seeking appointment of Arbitrator for adjudication of disputes and differences between the parties arising out of Cardholder Agreement.

2) I have heard Ms. Gogri, the learned counsel appearing for the Applicant.

3) By order dated 6 April 2026 this Court had issued notice to the Respondent and granted hamdast. Affidavit of service indicates that the door was locked. The notice was dispatched on the addresses of the Respondent available with the Applicant. In that view of the matter, the

Respondent is duly served. However, none has appeared on behalf of the Respondent.

4) Perusal of the Cardholder Agreement would indicate presence of arbitration agreement at clause No.32.2. Venue of the arbitration is agreed at Mumbai, which would become seat of the arbitration in absence of specification of any particular place as the seat. I am therefore satisfied about *prima facie* existence of arbitration agreement between the parties.

5) Ms. Gogri requests for institutional arbitration.

6) Accordingly, I proceed to pass the following order:-

(A) JM Swift Consultancy, is appointed as Institute for conduct of institutional arbitration proceedings for adjudication of disputes and differences between the parties arising out of the concerned Cardholder Agreement. The contact details of the Institute are as under :

Mobile No.:- 7721043615

Email ID:- jmswiftarbitration@gmail.com

Address:-Office No.307, 3rd Floor, M.K. Bhavan, S.B.S. Road, Ballard Estate, Fort, Mumbai-400001

(B) A copy of this order be communicated to the Institute by the Advocates for the Applicant within a period of one week from the

date of uploading of this order. The Institute shall nominate the Arbitrator within a period of two weeks of receipt of intimation about this order. The Applicant shall provide the contact and communication particulars of the parties to the Arbitral Tribunal alongwith a copy of this order.

(C) The learned Arbitrator is requested to forward the statutory Statement of Disclosure under Section 11(8) read with Section 12(1) of the Act to the parties within a period of 2 weeks from receipt of a copy of this order.

(D) The parties shall appear before the learned Arbitrator on such date and at such place as indicated by him/her, to obtain appropriate direction with regard to conduct of the arbitration including fixing a schedule for pleadings, examination of witnesses, if any, schedule of hearings etc.

(E) The fees of the Arbitrator shall be as prescribed in the Schedule of the Institute and the arbitral costs and fees of the Arbitrator shall be borne by the parties in equal portion and shall be subject to the final Award that may be passed by the Tribunal.

7) All issues on merits are expressly kept open to be agitated before the Arbitral Tribunal appointed as above.

8) With the above directions, the Application is **disposed of**.

[SANDEEP V. MARNE, J.]